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Viewing cable 07SOFIA364, BULGARIA'S PROSECUTOR GENERAL: WHAT A DIFFERENCE A

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Reference ID	Created	Released	Classification	Origin
07SOFIA364	2007-03-19 10:25	2011-08-30 01:44	CONFIDENTIAL	Embassy Sofia

Appears in these articles:

<http://www.bivol.bg/wlvelchev.html>

http://www.capital.bg/politika_i_ikonomika/bulgaria/2011/05/13/1089147_na_chetiri_ochi_s_boris_velchev/

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C O N F I D E N T I A L SECTION 01 OF 03 SOFIA 000364

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SUBJECT: BULGARIA'S PROSECUTOR GENERAL: WHAT A DIFFERENCE A
YEAR MAKES

REF: 2006SOFIA198

Classified By: Amb. Beyrle, for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: A year into his term, Bulgaria's Prosecutor General Boris Velchev is staying true to his goal to reform the dysfunctional Prosecution Service and make it an effective law enforcement and judicial tool. He has improved the country's image abroad by candidly speaking out against corruption and organized crime (OC), and has rebuilt some public confidence by cleaning up the prosecution service: 12 corrupt prosecutors have been fired or forced to resign, and 10 are under investigation. Despite noteworthy progress, Velchev still faces major hurdles, most notably the internal opposition loyal to his predecessor, an overwhelming case backlog, and lack of legally-admissible evidence against the big players. Though major OC figures and corrupt government officials are in his sights, the going is slow. Perseverance, political backing, and plenty of money will all be essential to get the job done.

THE CRIME FIGHTER WHO IS RESTORING BULGARIA'S REPUTATION

¶2. (C) Boris Velchev's appointment as Prosecutor General (PG) in February 2006 was a breath of fresh air for both Bulgarians and European Union representatives. A former legal advisor to President Purvanov and a respected academician, Velchev was an outsider to the system. His immediate predecessor, Nikola Filchev, left office in near-disgrace, accused of deliberate manipulation of cases, arbitrary decisions, and failure to prosecute a single major organized crime figure. The Prosecution Service was widely considered a political instrument used for personal-score settling and crime-hiding. The service's failure to indict a single suspect in over 120 contract killings, many in broad daylight, was a glaring testament to its utter, deliberate mismanagement.

¶3. (U) An outsider to the Prosecution Service, Velchev had to confront hacks cultivated by his predecessor in a system tightly bound by legislative limitations on investigations. Over the past year, Velchev has polished up the image of the prosecution service and built up public confidence in the institution. He became the first high-level official to speak openly about the links between organized crime and the political elite, underlining that Bulgaria would be "a much safer country if a few dozen people were sent to jail." He created an Anti-Corruption Unit within the Prosecution to focus specifically on organized crime, corruption, and money laundering. Velchev also reached out to other government watchdog agencies to establish more formal information sharing. His energy and resolve in tackling high-profile shortfalls in the prosecution service may have spared the country a prosecution safeguard clause to its EU membership.

¶4. (U) Velchev's actions are catching the public's attention. Local media and NGO observers favorably note the greater prosecutorial transparency and activism. The media regularly reports on important criminal cases as the prosecutors begin to speak candidly on record. A July 2006 survey attested to the improved public perceptions -- Velchev was ranked fourth most popular public official, after President Georgi Purvanov, Sofia mayor Boyko Borisov, and Culture Minister Stefan Danailov.

CRIME FIGHTING STARTS WITH HOUSE CLEANING

¶5. (U) Velchev's first priority remains to clean up the corrupt ranks of the prosecution service. Shortly after assuming office, he ordered an internal inspection and requested a special investigation of contacts between magistrates and individuals suspected of engaging in criminal activities. The results came four months later, when, for the first time ever, the Prosecution Service

admitted to unethical ties between senior prosecutors and individuals under investigation. The inspection showed that two high-ranking prosecutors had close ties with a local businessman -- with a mafia-style nickname "Mazzola" -- who had been investigated for 14 different crimes. Velchev swiftly requested the dismissal of one prosecutor, while the other voluntarily resigned. The internal inspection continues to bring results -- to date, seven prosecutors have resigned, five were dismissed (including two of Filchev's close circle), and at least 10 have been

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investigated for malfeasance.

¶16. (U) Velchev also established a special unit of prosecutors-investigators, his own innovation, to pursue 25 high-profile cases of corruption, organized crime, money laundering, and smuggling. The special unit of five young prosecutors is headed by Sofia deputy regional prosecutor Bozhidar Dzhambazov. (Dzhambazov is also in charge of the most publicized corruption case against former chief of Sofia's Heating Utility Company Valentin Dimitrov, accused of gross embezzlement.) Five months after its launch, the unit produced its first results -- an indictment against a former Sofia regional prosecutor for abuse of office and another indictment against eight persons involved in a major contraband scheme.

FACING TOUGH BATTLES...

¶17. (C) Despite noteworthy progress in cleaning up the Prosecution Service, Velchev still faces major hurdles. One challenge is internal to the Service, where Filchev's followers view reforms with suspicion and are responding with bureaucratic inertia or rear-guard action. Two of Velchev's deputies, Mitio Markov and Hristo Manchev, are Filchev's cronies whom Velchev cannot touch until the end of their five-year elected terms in 2009. Velchev has worked to diminish the old guard's influence by empowering a younger generation of prosecutors, like Dzhambazov. These new ranks are extremely loyal to Velchev and readily implement his reforms, yet even they admit that systemic change has not yet reached full momentum.

¶18. (U) Another hurdle is the atrocious backlog of cases, which, according to Velchev, has acquired the proportion of an "epidemic." Some 10,000 cases have gone past the statute of limitations, effectively rendering the perpetrators pardoned. In a particularly notorious case, a suspect was murdered before the prosecutor indicted him for any of the seventeen charges against him. While Velchev publicly came down on the errant prosecutor, the case highlighted the extent of the problem.

¶19. (C) Perhaps Velchev's greatest disappointment is the Prosecution's failure to indict a single major organized-crime figure. As he acknowledged in a recent interview, "the 'thick-necks' are continuing to parade their impunity." This is a hard blow for a man who'd hoped to move against a major OC player within months of starting office (reftel). Part of the challenge is inexperience -- many police investigators and prosecutors lack the necessary expertise to conduct complex organized-crime investigations. Yet another is political will -- many of the erstwhile criminals have become powerful businessmen, and some are now generous political sponsors.

... AND CORRUPT OFFICIALS

¶10. (C) Velchev openly admits that corruption exists all across the political spectrum and is vehement that "there will be no protection for anyone if there is evidence that a crime has been committed." So far, eleven MPs have been stripped of immunity on Velchev's request, including an MP elected on the ticket of the Socialist-led Coalition for Bulgaria. (That MP, Toma Tomov, is the only Roma member of

the National Assembly.) Nevertheless, progress on investigations has been sluggish, and only one case, that of an Ataka MP accused of pedophilia, has reached the trial stage. While publicly Velchev is optimistic about bringing more corrupt officials to trial, privately he is frustrated by lack of solid evidence against major political players. "The files are empty," he recently vented to the Ambassador; indeed, no serious observer doubts that the old guard simply emptied the case folders.

COMMENT

¶11. (C) Velchev is solidly in the reformers camp, but he operates in a political environment that often ties his hands. He has done well in areas directly under his control -- the Prosecution Service is in better shape than it was last February, and some of the most blatant offenders have been removed in disgrace. Yet his 'war' against organized crime and public corruption moves slowly, primarily because of the major interests involved. His greatest challenge is the symbiotic relationship between

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dirty money and political interests that still plays a role in Bulgarian politics. To effectively battle it, he needs the full support of reform-minded politicians committed to weeding out cronyism and crime, more institutional capacity, and plenty of funding. Follow-through on our plans for a three-year prosecutorial training initiative using SEED performance funds is essential both to help Velchev build a stronger team, and as a strong signal of U.S. support for the central figure in the fight against crime and corruption here. END COMMENT.

BEYRLE